

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER  
THURSDAY, FEBRUARY 19, 2009 1:00 P.M.**

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**CALL TO ORDER**

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Pat Haukohl Jim Siepmann Bob Peregrine  
Gary Goodchild Walter Kolb Bonnie Morris Bill Mitchell

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager  
Elfriede Sprague, Clerk III

Guests Present: Bob Stoltz Robert Harbold Bob Buehta Jerry Erdmann  
Julie Burris

**CORRESPONDENCE:**

None

**MINUTES:**

- *Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval of the December 11, 2008, Minutes.*
- *Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval of the January 15, 2009, Minutes*
- *Mrs. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval of the January 22, 2009, Minutes, as corrected.*

**SCHEDULED MATTER:**

Schedule Commission meeting dates for July through December 2009

*The scheduled meeting dates for July through December 2009 are:*

<i>July</i>	<i>2 and 16</i>	<i>October</i>	<i>1 and 15</i>
<i>August</i>	<i>6 and 20</i>	<i>November</i>	<i>5 and 19</i>
<i>September</i>	<i>3 and 17</i>	<i>December</i>	<i>10</i>

Mrs. Haukohl asked if the Commission would be willing to reschedule the April 16<sup>th</sup> Park and Planning Commission meeting to April 23<sup>rd</sup>. The Commission unanimously agreed to the change. She also asked Mr. Mace if Perry Lindquist could present the highlights of the Stormwater Management Workshop at a future Commission meeting. Mr. Mace replied he would speak with Mr. Lindquist.

**PUBLIC COMMENT**

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

• **ZT-1684 (Robert and Shirley Harbold, Vicki Harbold and Kim Kusch) Town of Mukwonago, Section 20 (A-1 Agricultural District to the R-H Rural Home District)**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes and pointed out the location of the property in the SW ¼ of Section 20, Town of Mukwonago on the aerial photograph.

Mr. Mace stated the present zoning on this property does not permit a land division without a rezoning or development as a Planned Unit Development. He explained the property currently contains two existing parcels of record created by Certified Survey Map (CSM) No. 9607. Parcel 1 is a seven-acre parcel containing the residence. Parcel 2 contains 24-acres of agricultural zoned lands and has a cell tower lying to the north of the aforementioned residence. The proposed land division of Parcel 2 will include two five-acre parcels (proposed Lots 2 and 3) to be accessed from a cul-de-sac to the north called Granite Trail and a third parcel (proposed Lot 4) to be accessed from C.T.H. “NN”. Proposed Lot 4 will be subject to access approval by the Waukesha County Dept. of Public Works. Mr. Mace stated he has checked with the Dept. of Public Works and they indicated another access on C.T.H. “NN” could be allowed as long as it complies with safety and sight standards. The lands containing the cell tower will be merged with the existing seven-acre lot (Parcel 1 CSM 9607) that contains the residence, to create one larger parcel, and accessed via a shared drive from C.T.H. “NN”. The easterly lot line of Parcel 1 will be adjusted so that the shared drive to the cell tower and the residence will be located on Parcel 1, as it currently lies on the larger parcel. This access could also be shared with the newly created parcel fronting on C.T.H. “NN” if another access onto the highway is denied. Mr. Mitchell stated at the public hearing a neighbor asked, “where the road was eliminated” and asked what was he talking about? Ms. Burris replied the original CSM had a restriction stating that “No further division of Parcel 2 will be permitted until a public road is dedicated and constructed to the west...”, so in order to have the restriction removed from the CSM, the road Master Plan (Town Official Map) was changed and the petitioner had to agree to rezone the land to 5-acre parcels. The road was never built, it was just mapped. When the subdivision to the north was built, there was an easement agreement on both parcels to allow Granite Trail to extend either to the north or to the south. Since it is now going north the restriction can be eliminated.

*After discussion Mr. Goodchild moved, seconded Mr. Peregrine and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **ZT-1685 (Text Amendment) Town of Eagle**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes. He stated the request is to repeal and recreate Sec. 3.02(1) relating to one principal residential building on a lot and explained that the amendment allows for the construction of a new residence on a lot that has an existing house in place, thereby allowing the residents to live in their old home until the completion of the new home. It is conditioned upon: 1) receiving a letter of credit or cash in the amount of 115% of the building removal and site restoration cost, 2) a signed agreement to remove the building 60 days from the issuance of an Occupancy Permit and 3) a signed agreement allowing the Town to access the property and remove the existing structure and restore the site at the applicant’s expense, if the applicant fails to do so within 60 days of the issuance of the Occupancy Permit.

*After a brief discussion, Mrs. Morris moved, seconded Mr. Siepmann and carried unanimously for approval in accordance with the “Staff Report and Recommendation”.*

- **SZT-1586C (Summit Commons) Town of Summit, Section 22 ( R-3 Residential District to the B-2 Local Business District (County Shoreland) and from the MF-2 Multi-Family Residential District to the NC Neighborhood Commercial District with a Planned Development Overlay District (Town)**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes and pointed out the location of the property in the NE ¼ of Section 22, Town of Summit on the aerial photograph.

Mr. Mace explained this 4.2-acre parcel was originally zoned to accommodate a 16-unit condominium project. In response to comments at the public hearing and the Town, the petitioner is now proposing to develop the land as office uses, which may include a child daycare center, in two (2) proposed buildings and eliminate the condominiums. Mr. Mitchell asked if there would be fencing to prevent the children from going to the lake. Mr. Erdmann replied a Conditional Use permit will be required from the Town and a Site Plan submitted before they receive any approvals. He presented a project overview and identified the 75 ft. wetland setback and the 35 ft. vegetative buffer area between the parking lot and the wetlands, and which also identified the fencing mentioned earlier. Stormwater would be retained on site and should not flow towards the wetlands. Mr. Siepmann added the petitioner is still working on trying to achieve minimal parking surface. They had received a permit from the Dept. of Natural Resources to install a boardwalk and a pier but are now giving up their rights to access the lake.

*After discussion Mr. Mitchell moved, seconded Mr. Kolb and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SCU-1413C (Summit Commons) Town of Summit, Section 22**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes. He pointed out the location of the property at the southeast intersection of S.T.H. 67 and C.T.H. “DR” in Section 22 of the Town of Summit on the aerial photograph and stated the petitioner is requesting to amend their Conditional Use to allow for additional commercial/office use and amend the conditions of approval to allow for change to parking setbacks.

Mrs. Haukohl asked if this area of the Town of Summit has any problems with flooding? Mr. Siepmann, “No”, the property is near Upper Genesee Lake which has not had any flooding problems. The flooding problems have been associated with Middle and primarily Lower Genesee Lake.

*After a brief discussion Mr. Siepmann moved, seconded Mr. Peregrine and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU-66T (Lakeland Investments LLC) Town of Genesee, Section 24**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes. He pointed out the location of the property at S43 W28760 Hwy. 59 on the aerial photograph and stated the petitioner is requesting termination of the existing Conditional Use Permit for a quarrying operation. Mr. Peregrine asked why the Commission needed to terminate the Conditional Use

Permit if it has not been used in years? Mr. Mace replied unless there was specific language in the Conditional Use Permit designating a termination date, it does not automatically expire. A procedure needs to be followed to terminate the use. Mrs. Haukohl asked if the any of the site has been restored? Mr. Mace replied no formal pit restoration has occurred, however per the aerial photograph pine trees and natural vegetation that have grown to act as a buffer from the neighbors and the road.

*After discussion Mrs. Morris moved, seconded Mr. Peregrine and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU-185A (Bruce Kipp) Town of Genesee, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes. He pointed out the location of the property in Section 29 of the Town of Genesee on the aerial photograph and stated the petitioner is requesting approval for a commercial kennel.

Mr. Mitchell noted the petitioners were previously approved for a hobby kennel and are now seeking conditional use approval for a kennel operation. Mr. Mace replied a hobby kennel license is not allowed in the A-P Zoning District; therefore, a Conditional Use Permit is required. The Town issued the hobby kennel license in error. He added the outdoor kennel run is adjacent to a large tract of agricultural land and should not create a problem for neighbors.

*After discussion Mr. Kolb moved, seconded Mr. Siepmann and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PO-08-GNT-23 (Bruce Kipp) Town of Genesee, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes. He stated the request is related to the previous matter, CU-185A.

*After a brief discussion Mr. Siepmann moved, seconded Mr. Peregrine and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU-1501 (Ron Olson and Patricia Nolan) Town of Genesee, Sections 27 and 34**

Mr. Mace presented the “Staff Memorandum” dated February 19, 2009, and made a part of these Minutes. He pointed out the location of the property in Section 27 of the Town of Genesee on the aerial photograph and stated the petitioner is asking to amend several conditions of approval for a horse boarding and training operation and indoor storage. The Commission had no objection to the amendments to the conditions.

*After discussion Mr. Siepmann moved, seconded Mr. Goodchild and carried unanimously for approval of the amended conditions, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **SCU-1051C (Pewaukee Yacht Club) Town of Delafield, Sections 13 and 24**

Mr. Mace presented the “Staff Report and Recommendation” dated February 19, 2009, and made a part of these Minutes. He pointed out the location of the property N22 W28204 Edgewater Drive in Sections 13 and 24 of the Town of Delafield on the aerial photograph and stated the petitioner is requesting to allow a modification in size and location of an existing boat launch and its approach located on the east side of the property.

Mr. Mace stated the Yacht Club is rebuilding its existing boat launch with the help and approval of the Pewaukee Sanitary District who use the pier and launch six months out of the year. Condition No. 8 of their current Conditional Use Agreement (imposed by the Town) states that the launch on the east side of the parcel shall be allowed with an approximate 9 ft. offset to the adjacent property line. The existing boat launch and the proposed boat launch are located on the east lot line and may even extend beyond the lot line. Therefore, Condition No. 8 of the Town’s Conditional Use must be modified. Mrs. Haukohl questioned where the location of the retaining wall to be removed was. Mr. Stolz, Pewaukee Yacht Club, replied it isn’t really a retaining wall, it’s just a small piece of concrete by the floating pier. She asked what was meant by “dewatering” the lake? Mr Stolz replied, he was not sure but the pier has been in existence over 40 years and over the course of those years, when boats are launched or put on trailers and the engines gunned, it has created a large drop-off at the end of the pier from the scour of the engines. The intent is to fill in this drop-off and even out the grade of the launch. The Commission recommended the Staff Report be amended to provide better clarification as to what was meant by “dewatering” and “turbidity barrier”.

*After discussion Mrs. Morris moved, seconded Mr. Goodchild and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission Mr. Siepmann moved, seconded by Mr. Kolb and carried unanimously to adjourn at 2:10 p.m.*

Respectfully submitted,

Bonnie Morris  
Secretary

BM:es